REMARKS

The Examiner rejected independent Claim 21 under U.S.C. 102(b) as being anticipated by the Steiger et al. reference. This rejection is respectfully traversed.

Independent Claim 21 defines the invention as a holder for supporting an article that includes a body including a support surface that is adapted to support an article thereon and a sensor positioned relative to the body opposite the support surface. The sensor is adapted to generate a signal that is representative of a condition of an article supported on the support surface. A support member is supported on the body for movement relative thereto, and an actuator is responsive to the sensor signal for moving the support member into engagement with an article supported on the support surface.

None of the art of record shows or suggests this structure. Specifically, the Steiger et al. reference does not show or suggest a holder for supporting an article that includes a body including a support surface that is adapted to support an article thereon and a sensor positioned relative to the body opposite the support surface that is adapted to generate a signal that is representative of a condition of an article supported on the support surface. Rather, the Steiger et al. reference discloses an article holder.

The Examiner stated that the limitation of the sensor being opposite the support surface is met by the Steiger et al. reference "in the absence of any description of what 'opposite' may include" and that, therefore, "the sensors positioned above the support surface in Steiger et al. are considered to be opposite of the support surface." This interpretation is clearly unreasonable in light of the specification and drawings, and further in view of the plain meaning of the word "opposite." Specifically, the sensors 34, 234, and 334 in Figs. 2, 6, and 7, respectively, are shown disposed opposite (below as viewed in the Figs.) the respective support surfaces. Additionally, paragraph 44 of the specification further describes the sensor 334 as being disposed below the body 338, and extending across and below the recess 340, of the body 338 (as shown in Fig. 7).

The Examiner rejected independent Claim 29 under U.S.C. §103(a) as being obvious in view of the combined teachings of the Steiger et al. and Leopold et al. references. This rejection is respectfully traversed.

Independent Claim 29 defines the invention as a holder for supporting an article including a body including a support surface that extends generally horizontally and is adapted to support an article thereon. A sensor is adapted to generate a signal that is representative of a condition of an article supported on the support surface. A support member is supported on the body for pivoting movement about an axis that extends generally horizontally. Lastly, an actuator is responsive to the sensor signal for moving the support member into engagement with an article supported on the support surface.

The Steiger et al. reference relates to a cup holder having gripping arms (5) which are mounted only for pivotal movement about upright or vertical arm axes (5A). The arms (5) are driven by gears (12, 13) configured only to pivot the arms (5) about the vertical arm axes (5A). The Leopold et al. reference relates to a glass holder having arms (26) which are only mounted for pivotal movement on a horizontally mounted pivot pin (30). Each arm (26) is actuated by a spring (32). The teachings of the Steiger et al. reference cannot therefore be reasonably combined with the teachings of the Leopold et al. reference as suggested by the Examiner.

Even if the arms (26) of the Leopold et al. reference (taken in its entirety with its horizontally mounted pivot pins (30)), were combined with the housing (7) and gears (which are configured only to cause pivotal movement about vertical arm axes) of the Steiger et al. reference, the combination could operate in only one of three ways:

(1) the combination would be non-functional as the gears (12, 13) of the Steiger et al. reference would fail to cause movement of the arms (26) about the horizontally mounted pins (30);

(2) the combination would be configured such that the arms (26) would pivot both horizontally and vertically; or

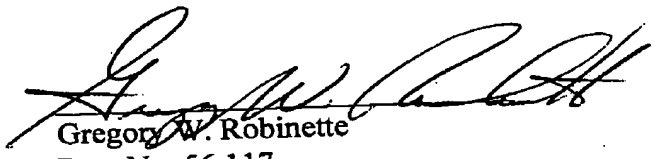
(3) the combination would continue to function as the cup holder described in the Steiger et al. reference.

Therefore, the teachings of the Steiger et al. reference cannot be reasonably combined with the teachings of the Leopold et al. reference as suggested by the Examiner. The cited references do not describe the present invention, nor would a person of ordinary skill in the art find it obvious to modify the cited references as suggested by

the Examiner. Accordingly, the invention as defined by independent Claim 29 is clearly patentable over the cited references, and the applicants respectfully request that the rejections be withdrawn.

New dependent Claims 37 through 40 have been added to more clearly define the position of the sensor relative to the support surface and a substantially downwardly facing second surface of the support member.

Respectfully submitted,



Gregory W. Robinette
Reg. No. 56,117

MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fourth Floor
720 Water Street
Toledo, Ohio 43604
(419) 255-5900